

FILED 08 AUG 27 15:15 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF OREGON

LAWRENCE KELLY,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil No. 3:07-CV-745-MA

ORDER FOR REMAND

Based on the stipulation of the parties, it is hereby ORDERED that the above captioned case be reversed and remanded for further administrative proceedings including further development of the record, a de novo hearing and the following actions. On remand, the administrative law judge will: (1) consider the entire record in order to establish the severity of all of Plaintiff's impairments, singly and in combination; (2) re-evaluate Plaintiff's credibility pursuant to 20 C.F.R. § 404.1529; SSR 96-7p; and pertinent 9th Circuit case law in light of the expanded record; (3) further evaluate the lay witness evidence pursuant to the regulations and SSR 06-3p; (4) further evaluate Plaintiff's residual functional capacity pursuant to SSR 96-8p; and (5) further consider, with the assistance of a vocational expert, if necessary, Plaintiff's ability to perform his past relevant work or any other work in the national economy that exists in significant numbers.

This remand is made pursuant to sentence four of 42 U.S.C. § 405(g). Reasonable attorney fees will be awarded based on a petition filed under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

DATED this 27 day of August, 2008.

Malcolm G. March
UNITED STATES DISTRICT JUDGE

Presented by:

Lisa A. Wolf

s/ Richard M. Rodriguez

for

RICHARD M. RODRIGUEZ

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